

REMARKS

Claims 1, 3-8, 11-15 and 26-32 are pending in the application. Claims 16-25 have been withdrawn.

Response to Remarks in Advisory Action

Claims 1, 3-8, 11-13, 15 and 26-31 were previously rejected under 35 U.S.C. 102(b) as being unpatentable over U.S. Patent No. 5,687,095 to Haskell ('Haskell'). The Advisory Action abandons pure anticipation (since Haskell does not teach elements of the claim) and asserts an obviousness argument using Haskell, which is the domain of 35 U.S.C. 103.

Applicants respectfully traverse any §103 combination rejection using Haskell since this rejection would violate rules for 35 U.S.C. 103 according to the MPEP.

Haskell clearly teaches against full decoding and re-encoding, as recited in the amended claims. Specifically, he states "Since decoding as well as encoding processes are required, transcoding is very time-consuming. As a practical matter, the time delay is at least twice that of the end-to-end encoding delay. Such a delay is not tolerable for applications requiring real-time communication, such as multimedia conferencing." See col. 2 lines 46-54. As stated in the MPEP: "Prior Art Must be Considered in its Entirety, Including Disclosures that Teach Away from the Claims" (MPEP 2141.02). It is respectfully submitted that the reference must not teach away from the claims (which Haskell openly does) in order to be used in a §103 rejection – either with another reference or the admitted prior art. See also: MPEP 2145 X.D.2 "References Cannot be Combined Where the Reference Teaches Away from Their Combination". For at least these reasons, any combination rejection using Haskell is improper.

Applicants believe that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
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